

SCHEDULES

SCHEDULE 2

RESTRICTIONS ON THE HOLDING OF LICENCES

PART II

DISQUALIFICATION FOR HOLDING LICENCES

General disqualification of non-EEC nationals and bodies having political connections

- 1 (1) Subject to sub-paragraph (2), the following persons are disqualified persons in relation to a licence granted by the Commission or the Authority—
- (a) an individual who is neither—
 - (i) a national of a member State who is ordinarily resident within the European Economic Community, nor
 - (ii) ordinarily resident in the United Kingdom, the Isle of Man or the Channel Islands;
 - (b) a body corporate which is neither—
 - (i) a body formed under the law of a member State which has its registered or head office or principal place of business within the European Economic Community, nor
 - (ii) a body incorporated under the law of the Isle of Man or the Channel Islands;
 - (c) a local authority;
 - (d) a body whose objects are wholly or mainly of a political nature;
 - (e) a body affiliated to a body falling within paragraph (d);
 - (f) an individual who is an officer of a body falling within paragraph (d) or (e);
 - (g) a body corporate which is an associate of a body corporate falling within paragraph (d) or (e);
 - (h) a body corporate in which a body falling within any of paragraphs (c) to (e) and (g) is a participant with more than a 5 per cent. interest;
 - (i) a body which is controlled by a person falling within any of paragraphs (a) to (g) or by two or more such persons taken together; and
 - (j) a body corporate in which a body falling within paragraph (i), other than one which is controlled—
 - (i) by a person falling within paragraph (a), (b) or (f), or
 - (ii) by two or more such persons taken together,is a participant with more than a 5 per cent. interest.
- (2) Sub-paragraph (1) shall apply in relation to—
- (a) a local delivery licence,
 - (b) a licence to provide a non-domestic satellite service,

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- (c) a licence to provide a non-domestic satellite radio service,
- (d) a licence to provide a licensable programme service,
- (e) a licence to provide a licensable sound programme service, or
- (f) a licence to provide additional services (within the meaning of Part I or III of this Act) other than a licence to provide the teletext service referred to in section 49(2) of this Act,

as if paragraphs (a) and (b) (and the reference to those paragraphs in paragraph (i)) were omitted.

- (3) In sub-paragraph (2)(c) “non-domestic satellite radio service” means a satellite service within the meaning of Part III of this Act which is not provided on any frequency allocated to the United Kingdom for broadcasting by satellite.

Disqualification of religious bodies

- 2 (1) Subject to sub-paragraph (2), the following persons are disqualified persons in relation to a licence granted by the Commission or the Authority—
- (a) a body whose objects are wholly or mainly of a religious nature;
 - (b) a body which is controlled by a body falling within paragraph (a) or by two or more such bodies taken together;
 - (c) a body which controls a body falling within paragraph (a);
 - (d) a body corporate which is an associate of a body corporate falling within paragraph (a), (b) or (c);
 - (e) a body corporate in which a body falling within any of paragraphs (a) to (d) is a participant with more than a 5 per cent. interest;
 - (f) an individual who is an officer of a body falling within paragraph (a); and
 - (g) a body which is controlled by an individual falling within paragraph (f) or by two or more such individuals taken together.
- (2) If on an application made to them under this sub-paragraph—
- (a) the Commission are satisfied that it is appropriate for a person to hold—
 - (i) a licence to provide a non-domestic satellite service, or
 - (ii) a licence to provide a licensable programme service, or
 - (b) the Authority are satisfied that it is appropriate for a person to hold a particular kind of licence that may be granted by them under Part III of this Act other than a national licence,
- being a person who, apart from this sub-paragraph, would be a disqualified person in relation to any such licence by virtue of sub-paragraph (1), they shall make a determination to the effect that they are so satisfied; and so long as any such determination remains in force in relation to that person, sub-paragraph (1) shall not apply to him in relation to any such licence.
- (3) The Commission and the Authority shall each publish, in such manner as they consider appropriate, general guidance to persons making applications to them under sub-paragraph (2) as to the principles to be applied by them in determining whether it is appropriate for such persons to hold licences falling within paragraph (a) or (as the case may be) paragraph (b) of that sub-paragraph.

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Disqualification of publicly-funded bodies for radio service licences

- 3 (1) The following persons are disqualified persons in relation to any licence granted by the Authority other than a licence to provide a restricted service—
- (a) a body (other than a local authority) which has, in its last financial year, received more than half its income from public funds;
 - (b) a body which is controlled by a body falling within paragraph (a) or by two or more such bodies taken together; and
 - (c) a body corporate in which a body falling within paragraph (a) or (b) is a participant with more than a 5 per cent. interest.

- (2) For the purposes of sub-paragraph (1)(a) money is received from public funds if it is paid—

- (a) by a Minister of the Crown out of money provided by Parliament or out of the National Loans Fund;
- (b) by a Northern Ireland department out of the Consolidated Fund of Northern Ireland or out of money appropriated by Measure of the Northern Ireland Assembly; or
- (c) by a body which itself falls within sub-paragraph (1)(a), including a body which falls within that provision by virtue of this paragraph;

but, in each case, there shall be disregarded any money paid as consideration for the acquisition of property or the supply of goods or services or as remuneration, expenses, pensions, allowances or similar benefits for or in respect of a person as the holder of an office.

General disqualification on grounds of undue influence

- 4 (1) A person is a disqualified person in relation to a licence granted by the Commission or the Authority if in the opinion of that body—
- (a) any relevant body is, by the giving of financial assistance or otherwise, exerting influence over the activities of that person, and
 - (b) that influence has led, is leading or is likely to lead to results which are adverse to the public interest.

- (2) In sub-paragraph (1) “relevant body”—

- (a) in relation to a licence granted by the Commission, means a body falling within paragraph 1(1)(c) to (h) or (j) above or a body which is controlled—
 - (i) by a person falling within paragraph 1(1)(c) to (g) above, or
 - (ii) by two or more such persons taken together; and
- (b) in relation to a licence granted by the Authority, means a body falling within paragraph 1(1)(c) to (h) or (j) or 3 above or a body which is controlled as mentioned in paragraph (a)(i) or (ii) above.

General disqualification of broadcasting bodies

- 5 The following persons are disqualified persons in relation to a licence granted by the Commission or the Authority—
- (a) the BBC;
 - (b) the Welsh Authority;
 - (c) a body corporate which is controlled by either of those bodies; and
 - (d) a body corporate in which—

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- (i) either of those bodies, or
 - (ii) a body corporate falling within sub-paragraph (c),
- is (to any extent) a participant.

General disqualification of advertising agencies

- 6 The following persons are disqualified persons in relation to a licence granted by the Commission or the Authority—
- (a) an advertising agency;
 - (b) an associate of an advertising agency;
 - (c) any body which is controlled by a person falling within sub-paragraph (a) or (b) or by two or more such persons taken together;
 - (d) any body corporate in which a person falling within any of sub-paragraphs (a) to (c) is a participant with more than a 5 per cent. interest.